

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 24860 of 2004(H)

PETITIONER:

**IDUKKI-KANJIKUZHY GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, KANJIKUZHY P.O.,
IDUKKI DISTRICT.**

BY ADV. SRI.JOICE GEORGE.

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM.**
- 2. THE PRINCIPAL CONSERVATOR OF FORESTS AND
CHIEF WILD LIFE WARDEN, FOREST HEAD QUARTERS,
VANALAKSHMI, THIRUVANANTHAPURAM.**
- 3. THE DIVISIONAL FOREST OFFICER,
FOREST DIVISION, MUNNAR, DEVIKULAM, IDUKKI DIST.**
- 4. THE FOREST RANGE OFFICER,
NERIYAMANGALAM FOREST RANGE, NERIYAMANGALAM P.O.**
- 5. THE DISTRICT COLLECTOR IDUKKI,
COLLECTORATGE, PAINAVU P.O., IDUKKI.**

BY GOVERNMENT PLEADER SRI. MUHAMMED PUZHAKKARA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

W.P.(C). NO.24860/2004-H:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CIRCULAR NO. 15745/01 H2 DT. 02/11/2001 ISSUED BY R.5.

EXT.P.2: COPY OF THE ADDL. PERMISSION FOR THE YEAR 2002-2003 DT. NIL ISSUED BY THE CESS.

EXT.P.3: COPY OF THE ORDER NO. DO1/988/M/2000 DT. 16/11/2001 ISSUED BY GEOLOGIST MINING & GEOLOGY DEPARTMENT, IDUKKI.

EXT.P.4: COPY OF THE SANCTION ORDERS ISSUED BY THE GEOLOGIST DT. 09/01/2001.

EXT.P.5: COPY OF THE LETTER NO. 445/2002 DT. 02/11/2002 ISSUED BY THE R.3. TO THE PETITIONER.

EXT.P.6: COPY OF THE LETTER NO. B.1461/2002 DT. 11/11/2002 ISSUED BY THE PETITIONER TO THE R.5.

EXT.P.7: COPY OF THE REPRESENTATION DT. 11/11/02 SUBMITTED BY THE PETITIONER BEFORE THE R.5.

EXT.P.8: COPY OF THE JUDGMENT DT. 10/12/2002 IN O.P. NO. 36606/2002 OF THE HIGH COURT OF KERALA.

EXT.P.9: COPY OF THE ORDER NO. 31959/2002/31 DT. 1/1/2003 OF THE R.5.

EXT.P.10: COPY OF THE MINUTES OF THE RIVER MANAGEMENT COMMITTEE CONVENED ON 04/02/2003.

EXT.P.11: COPY OF THE NOTIFICATION DT. 24/06/1902 BY DIVAN OF TRAVANCORE.

EXT.P.12: COPY OF THE LETTER NO. E.139959/02 DT. 19/02/03 BY THE R.5. TO THE R.1.

EXT.P.13: COPY OF THE ORDER NO. E1 31959/02 DT. 14/03/2003 BY THE R.5.

EXT.P.14: COPY OF THE APPLICATION DT. 11/06/2003 SUBMITTED BY THE PANCHAYATH TO THE R.3.

EXT.P.15: COPY OF THE ORDER NO. M-12-2095/02 DT. 19/06/2003 BY THE R.3.

EXT.P.16: COPY OF THE JUDGMENT IN O.P. NO. 11834/2003 DT. 12/12/2003 OF HIGH COURT OF KERALA.

EXT.P.17: COPY OF THE ORDER NO. FC2-656/2004 DT. 17/03/2004 OF THE R.1.

W.P.(C). NO.24860/2004-H:

RESPONDENT'S EXHIBITS:

EXT.R3.A: COPY OF THE LETTER DTD 23/10/2002 ISSUED TO THE PETITIONER GRAMA PANCHAYAT BY THE R.4. RANGE OFFICER.

EXT.R3.B: COPY OF THE GOVERNMENT ORDER G.O. (RT). NO. 3816/97/LAD DTD. 18/11/1997.

EXT.R3.C: COPY OF THE NAGARAMPARA RESERVE FOREST NOTIFICATION.

EXT.R3.D: COPY OF THE MAP OF PERIYAR RIVER AND RESERVE FOREST IN MUNNAR DIVISION, NAGARAMPARA FOREST STATION.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) NO. 24860 OF 2004

Dated this the 23rd day of November, 2007.

J U D G M E N T

The petitioner-Panchayath is aggrieved by the interference of the respondents 2 to 4 in the matter of mining of sand. The District Collector and the Chief Conservator of Forests have looked into the matters. If panchayath is still aggrieved, panchayath may approach the first respondent within a period of two months from today, in which case, the matter will be duly considered by the first respondent with notice to the panchayath, second respondent and any other affected parties, and appropriate action in accordance with law in the matter will be taken within a period of another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp